

CITY OF LEWISTON

CITY COUNCIL

MAY 1, 2007

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

PROCLAMATIONS

Mayor Gilbert read and issued a proclamation regarding Foster Care Awareness Month and another one regarding Public Services Recognition Week. Foster children, foster parents and representatives of a local social service agency were all in attendance for the presentation and received the proclamation from the Mayor.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Tim Stretton presented the Council with U Booze, U Loose key chains and pens to promote their new initiative and he said these will be distributed at the All America City conference in June which four LYAC members will be attending. He announced that Advanced MircoSystems will sponsor the UBUL website. Tim said the group has applied for a grant from the Department of Public Safety to promote UBUL. May 11 is the deadline for students to apply to join LYAC next year.

FORFEITURE OF DRUG FUNDS

VOTE (116-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$862.00, or any portion thereof, in the case of the State of Maine vs. Alfonzo Brooks, CR-07-79 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - 7-0

POSTPONEMENT OF ACTION ON THE AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED FOR FIRE LANES ON A PORTION OF CHESTNUT STREET TO THE NEXT REGULAR CITY COUNCIL MEETING

VOTE (117-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To continue this item to the next regular Council meeting. Passed - 7-0

AMENDMENTS TO THE PARK USE POLICY

VOTE (118-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the proposed amendments to the Park Use Policy, Policy Manual Number 77, as recommended by the Director of Recreation and Parks. Passed - 7-0

**AMENDMENT TO THE ORDER ESTABLISHING THE DOWNTOWN
NEIGHBORHOOD TASK FORCE**

Councilor Rousseau stated he supports this amendment and is also interested in an additional amendment to increase the size of the task force for a better cross section of residents from the downtown area such as landlords and business owners for a broad spectrum of residents from the downtown for better input. The Mayor noted that one of the current members owns a business on Lisbon Street. Councilor Paradis also stated he feels it is important to have more people on the task force since the work of this group will have an impact for years to come. He suggested that each Councilor nominate one person from each ward. Councilor Mendros noted the Mayor had already asked for input and recommendations from the Councilors for people to serve. Mayor Gilbert stated he is always open to input from Councilors on committee appointments, but noted it is difficult when he does not hear any response, then makes appointments, then weeks later hears concerns from Councilors about the appointments.

Rachel Rodrique of 72 Winter Street introduced herself as a member of the task force and stated she works as a special education instructor at the High School and has a degree in communications from USM. She noted that the size of a working committee should be no less than three and no more than twelve people to be effective, noting that sixteen would be too large. She reminded the Council the task force only has 18 months to work on the issues and that any more than nine members on the committee would make it too large to manage and get work accomplished. She noted there is a good cross section of folks on the committee already.

VOTE (119-2007)

Motion by Councilor Jean, seconded by Councilor Samson:

To approve the proposed amendment to the Order establishing The Downtown Neighborhood Task Force to change the membership eligibility for the Task Force from “registered voters” of Lewiston to “residents” of Lewiston.

Did Not Pass - 2-5 (Councilors Mendros and Rousseau in favor, others opposed)

Councilor Paradis said a lot of thought went into setting up the task force and their recommendations should make a big impact in the downtown area, so he would like more people to be involved to ensure a major impact. He noted he is not questioning the talent of the people already on the board. Councilor Rousseau stated he felt a major downtown property owner should be on the committee. Mayor Gilbert stated he has full confidence in the people already appointed on the committee and he noted when the Council established the task force, they did not include a property owner in the category of committee members.

VOTE (120-2007)

Motion by Councilor Rousseau, seconded by Councilor Paradis:

To add an item to the May 15 Council meeting agenda to amend the number of members serving on the Downtown Neighborhood Task Force. Passed - 5-2 (Councilors Bernier and Jean opposed)

At this point, Mayor Gilbert announced that he is appointing ZamZam Mohamed to the Downtown Neighborhood Task Force.

**PUBLIC HEARING AND FIRST PASSAGE ON AMENDMENTS TO THE
CITY CODE FOR VEHICLES FOR HIRE**

Mayor Gilbert opened the public hearing. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (121-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendments to the City Code of Ordinances, Chapter 82 Vehicles for Hire, Article II, Taxicabs, Section 82-27, Markings and Section 82-48, Standards for Denial, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular meeting for final passage. Passed - 7-0

RESOLUTION TO SUPPORT OPPORTUNITY MAINE

Councilor Mendros stated that he worked on the petition drive to get this item on the ballot and he would recuse himself should any of the Councilors feel he had a conflict of interest. No Councilors voiced objections to his participation. Jim Wellehan addressed the Council and asked for their support of this Resolution, noting if the ballot question passed, it would give a tax credit to any Maine college student who attends college in Maine and resides in Maine after graduation. He stated the goal of the program is to make college more affordable for residents. Mr. Wellehan stated Androscoggin County has one of the lowest percentages of college completion rates in the state. Councilor Paradis stated the program should be expanded to all levels of post secondary education training, including all trades such as machinists, carpenters, plumbers and so forth.

VOTE (122-2007)

Motion by Councilor O'Brien, seconded by Councilor Jean:

To adopt the Resolution in support of Opportunity Maine:

**RESOLUTION SUPPORTING OPPORTUNITY MAINE:
A CITIZEN'S INITIATIVE TO MAKE COLLEGE MORE AFFORDABLE, CREATE
MORE HIGH-PAYING JOBS, AND STRENGTHEN MAINE'S ECONOMY**

- WHEREAS, Traditional higher-paying jobs in manufacturing and natural resource-based industries are leaving the State; and
- WHEREAS, Maine workers are 30% less likely to have higher education degrees than workers in New England as a whole, and their average income is 30% below the New England average; and
- WHEREAS, 53.6% of Maine bachelor's degree earners leave the State to pursue a career; and
- WHEREAS, 61% of those pursuing degrees in Maine have student loans, averaging \$21,625.24 for bachelor's degree earners; and
- WHEREAS, The Opportunity Maine initiative will cut educational debt through tax credits for associate's and bachelor's degree earners who live and work in Maine after graduation; and
- WHEREAS, Education level of the workforce is the chief consideration for businesses in deciding where to locate; and
- WHEREAS, More Maine citizens pursuing higher education will result in a more skilled workforce and stronger economic growth; and
- WHEREAS, Bachelor's degree holders earn \$16,553 more than those with only a high school diploma on average, and associate's degree holders earn \$9,932 more; and
- WHEREAS, This initiative will have an initial net cost of roughly \$1,000,000 million dollars to the State Treasury, and by the 10th year, projections show a net gain in state and local tax revenues of over \$20 million per year due to increased incomes and positive economic ripple effects; and
- WHEREAS, The credit would be available to graduates of public or private institutions, but its value would be capped at the rate of tuition and fees in the University of Maine System and the Maine Community College System, thus limiting the cost to what is needed to accomplish the initiative's goals and keeping the cost far below the economic benefits; and
- WHEREAS, Pursuing a bachelor's or associate's degree will become more affordable to all Maine citizens;

NOW THEREFORE BE IT RESOLVED, that the Lewiston City Council strongly endorses this initiative, urges the State Legislature and the Governor to pass it as written, and, should the initiative go to the ballot, urges all voters in Lewiston and throughout the State to vote for it.

Passed - 7-0

APPROVAL OF AN EXTENSION OF THE AGREEMENT BETWEEN THE CITY OF LEWISTON AND MID MAINE WASTE ACTION CORPORATION

City Administrator Bennett stated this item is consistent with the recommendation from the Solid Waste Task Force which endorsed moving forward with the contract extension. Mr. Bennett noted if the Agreement is approved, Lewiston would need to construct two cells in the landfill. He said there are insignificant changes in the Agreement, but did note that city staff will not have to move trailers of solid waste anymore and there is a limit on the amount of waste that can be taken at the landfill. He said the contract brings the total from 3600 tons to 2500 tons, but noted we have never gone over 2200 tons in the past, so this limit should be fine. Mr. Bennett outlined some minor corrections that will be made to the Agreement such as deletion of details that are no longer applicable. Councilors agreed to approve the Agreement subject to final review of the language by the City Administrator.

Dot Treadwell of 106 Bartlett Street asked if waste from other places will be accepted under the new contract. The City Administrator stated no new waste will be brought into Lewiston as a result of this contract extension.

VOTE (123-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Resolved by the City Council that the Council hereby approves a ten year extension of the Agreement between the City of Lewiston and Mid Maine Waste Action Corporation, subject to final review by the City Administrator, and to authorize the Mayor to sign the Agreement on behalf of the City Council. Passed - 6-1 (Councilor Mendros opposed)

ISSUANCE OF REQUEST FOR PROPOSALS FOR THE SALE OF LAND AND STRUCTURES AT 190 BIRCH STREET, THE ANDROSCOGGIN BANK COLISEE

Councilor Mendros thanked the Mayor for bringing this item forward, noting that he requested the City do this when it first lent the Colisee money. Councilor Bernier inquired about the RFP and what brought it about. Mayor Gilbert stated the City should attempt to sell the Colisee, since it is losing money annually and the taxpayers are supporting it. He stated he believes the facility would be better in private hands and the sale could be structured that the new owners would continue the commitments of the community functions such as graduations and so forth. He believes the City needs to cut it's losses to the taxpayers and see if there is interest in a private company purchasing or leasing the complex. Councilor Bernier suggested a citizen referendum vote in July to let the residents decide about the ownership of the building. She questioned which private business would submit a bid to acquire a facility that constantly loses money. Mayor Gilbert stated that we will find out on June 29 when the bids are opened. Councilor Mendros said he supports the referendum idea and is willing to let go of the Colisee to stop the bleeding. Councilor Samson said he has heard from taxpayers who are fed up with paying for the Colisee. Councilor O'Brien spoke against the RFP, stating the Colisee is our city center which hosts many community events and needs to be retained and operated by the city. Councilor Rousseau said the city would have to take a loss of \$3-4 million dollars to put it into private

hands with the restrictions the Mayor wants to include. He noted the Colisee is just like the public library, public transit and other services the city operates. He stated these services cost money to operate and no ice arenas turn a profit, and they are a community asset. Councilor Jean said the infrastructure of the facility equals the Colisee and it enhances the community and belongs to the community. Councilor Samson questioned how long the city can go on financially supporting the building and suggested it is time to sell it and get out of the real estate business.

Jim Wellehan of Auburn suggested have a group of business people in to brainstorm ideas to aid the profitability of the Colisee and wondered if a full study and review of options and ideas have been explored before putting out to bid.

VOTE (124-2007)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the issuance of a Request for Proposal for the sale of land and structures at 190 Birch Street, the Androscoggin Bank Colisee. Passed - 6-1 (Councilor O'Brien opposed)

**TO DETERMINE THE STARTING TIME FOR THE MAY 15
CITY COUNCIL MEETING**

Councilors discussed a 5:30pm start time for the meeting.

VOTE (125-2007)

Motion by Councilor Samson, seconded by Councilor Mendros:

To suspend Section 1 (a) of the Rules Governing the City Council and to begin the regular City Council meeting on May 15 at 5:30pm. Passed - 7-0

REPORTS AND UPDATES

Councilor Jean stated he heard from Mike LeCompte, a resident who works to coordinate a volunteer road race. He said that Mr. LeCompte was told there would be a fee for the Police Department to perform traffic control during the road and Mr. LeCompte was wondering if the fee could be waived. The City Administrator stated the Department is working on a policy to deal with such requests, and recently learned Lewiston was one of a few towns in the area that do not charge for police services during private events such as this. Mr. Bennett said the requests are increasing which require the Department to hire additional officers at overtime expense. These extra items are not budgeted for regarding coverage, and the sponsoring organizations should pay the overtime costs for the coverage.

Councilor Jean requested to have the topic of Study Circles as Tool for Community Change on the May 15 agenda. The City Administrator stated there will not be a budget workshop this Thursday, but there will be a workshop on Tuesday, May 8 at 6pm to review additional budget items, an update on the revaluation and possibly a solid waste report.

OTHER BUSINESS

Anna Foucher of 171 Pettingill Street addressed the Council regarding concerns with the Lewiston Senior Citizens organization. She noted she is the president and is concerned the Council will consider moving the organization again this year as part of their budget efforts. She was assured this item is not in the current proposed budget.

VOTE (126-2007)

Motion by Councilor O'Brien, second by Councilor Samson:

To adjourn at 9:20 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine